CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓	Force		Discourt.	U.S.
Conor O'Shea		Squad #5	201902317	☑	Abuse		O.L.	✓ Injury
Incident Date(s)		Location of Incident:		P	recinct:	18 N	lo. SOL	EO SOL
Thursday, 03/07/2019 10:15 Pt 03/07/2019 10:30 PM, Thursda 10:45 PM		Seward Avenue and No police vehicle; 43rd Pro			43	9/7	7/2020	4/24/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Receiv	red at CCI	B
Fri, 03/15/2019 6:30 PM		CCRB	On-line website		Fri, 03/15/	2019	6:30 PM	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Francis Pinales	14791	946121	043 PCT					
2. POM Satinderpa Singh	31966	955500	043 PCT					
3. LT Cesar Imbert	00000	940281	043 PCT					
4. POM Emmanuel Rios	12969	954272	043 PCT					
5. POM Glenn Moreira	06935	954151	043 PCT					
6. DTS Anthony Lustica	28013	927106	043 PCT					
7. An officer			043 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Md Ali	10018	960149	043 PCT					
Officer(s)	Allegatio	n			Inve	stigat	or Recon	nmendation
A.POM Satinderpa Singh	Avenue i	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh frisked \$87(2)(0)						
B.POM Satinderpa Singh	Avenue i	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh searched						
C.POM Francis Pinales	Avenue i	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Francis Pinales threatened (\$\frac{8}{3}\frac{8}{2}\frac{1}{2}\text{(0)}\) with the use of force.						
D.POM Francis Pinales	Avenue i	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Francis Pinales searched						
E.LT Cesar Imbert		Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Lieutenant Cesar Imbert searched						
F.POM Francis Pinales	Avenue i	the intersection of Sew n the Bronx, Police Offi force against						
G.POM Satinderpa Singh	Avenue i	t the intersection of Sew in the Bronx, Police Offi force against \$87(2)(6)			sed			

Officer(s)	Allegation	Investigator Recommendation
H.LT Cesar Imbert	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Lieutenant Cesar Imbert used physical force against \$87(2)(b)	
I.POM Emmanuel Rios	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Emmanuel Rios used physical force against \$\frac{87(2)(b)}{2}\$	
J. An officer	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, an officer hit §87(2)(b) against a vehicle.	
K.POM Satinderpa Singh	Force: Inside a police vehicle, Police Officer Satinderpal Singh restricted breathing.	
L.POM Emmanuel Rios	Force: Inside a police vehicle, Police Officer Emmanuel Rios restricted breathing.	
M.POM Francis Pinales	Abuse: At the 43rd Precinct stationhouse in the Bronx, Police Officer Francis Pinales strip-searched \$87(2)(b)	
N.LT Cesar Imbert	Abuse: At the 43rd Precinct stationhouse in the Bronx, Lieutenant Cesar Imbert strip-searched \$87(2)(b)	
§ 87(2)(g), § 87(4-b)		

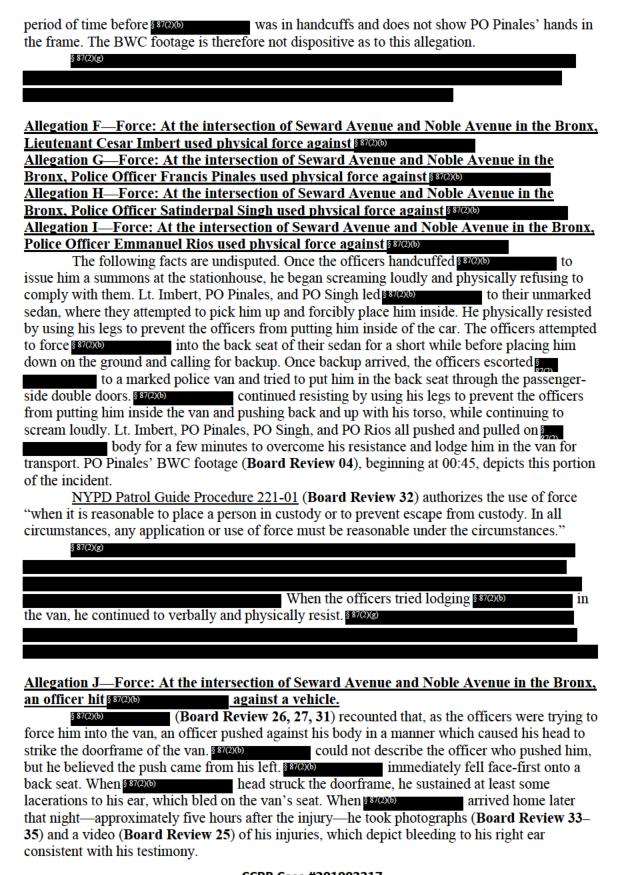
Case Summary

On March 15, 2019, \$87(2)(b) filed this complaint online with the CCRB.
On March 7, 2019, at approximately 10:15 p.m., Lieutenant Cesar Imbert, Police Officer
Francis Pinales, and Police Officer Satinderpal Singh—all from the 43 rd Precinct—stopped
for jaywalking near the intersection of Seward Avenue and Noble Avenue in the
Bronx. PO Singh frisked and searched (Allegations A-B: Abuse of Authority,
PO Pinales allegedly pointed his Taser at \$87(2)(b) (Allegation C:
Abuse of Authority, 887(2)(9) PO Pinales and Lt. Imbert allegedly searched
(Allegations D-E: Abuse of Authority, \$8700) The officers handcuffed
and brought him over to their unmarked vehicle. \$87(2)(0) began yelling
and physically resisting. Lt. Imbert, PO Pinales, and PO Singh tried unsuccessfully to pick
up by his arms and legs and shove him inside the backseat of their unmarked vehicle
(Allegations F–H: Force, Serve) They set him on the ground as Lt. Imbert radioed for backup. Additional officers from the 43 rd Precinct responded, including Police Officers
backup. Additional officers from the 43 rd Precinct responded, including Police Officers
Emmanuel Rios, Glenn Moreira, and Anthony Lustica (who is now a detective).
Lt. Imbert, PO Singh, PO Pinales, and PO Rios repeatedly tried shoving and pulling
into the backseat of a police van (Subsumed within Allegations F-H; Allegation I
Force, \$17(2)© By pushing on his upper body, an officer allegedly caused \$17(2)©
head to strike the door frame, from which he sustained head bruising and ear lacerations
(Allegation J: Force, \$870.00 PO Moreira drove \$870.00 to the 43rd
Precinct stationhouse with PO Singh and PO Rios in the back seat. PO Singh and PO Rios
allegedly held 187(200) face-down and rear-cuffed, and PO Singh allegedly kneeled on
the back of his neck, all of which allegedly restricted his breathing (Allegations K-L: Force,
At the 43 rd Precinct stationhouse, PO Pinales and Lt. Imbert strip searched
(Allegations M–N: Abuse of Authority, \$87(2)@ PO Pinales issued \$7(2)
two summonses, one for jaywalking and one for disorderly conduct (Board Review
01, 02). § 87(2)(2), § 87(4-b)
01, 02).
The investigation obtained BWC footage (Board Review 03-11, summarized at Board
Review 12–18), stationhouse footage (relevant videos at Board Review 19–21, summarized at
Board Review 22–24), and a cell phone video from \$87(2)(6) depicting his post-incident
injuries (Board Review 25). All references to video evidence in this report refer to the time
stamp in the video player, not the on-screen clocked embedded in the video footage itself.
§ 87(2)(g), § 87(4-b)

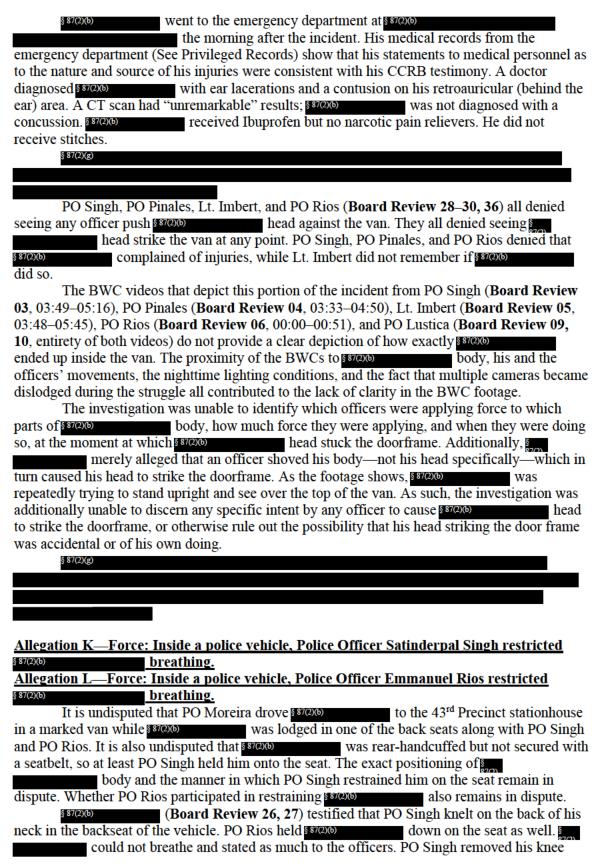
Findings and Recommendations

Allegation A—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue
in the Bronx, Police Officer Satinderpal Singh frisked \$87(2)(6)
Allegation B—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue
in the Bronx, Police Officer Satinderpal Singh searched \$87(2)(6)
Allegation D—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue
in the Bronx, Police Officer Frances Pinales searched \$87(2)(6)
Allegation E—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue
in the Bronx, Lieutenant Cesar Imbert searched §87(2)(6)
It is undisputed that PO Singh, PO Pinales, and Lt. Imbert stopped [887(2)(6)]
solely on suspicion of jaywalking. It is further undisputed that, at some point, PO Singh frisked
and searched \$87(2)(6) It is also undisputed that none of the officers had a particularized
belief that \$87(2)(6) was armed. It is further undisputed that, at some point, the officers
decided to issue \$87(2)(6) a summons at the stationhouse and handcuffed him solely for
that purpose. The timing of when they made this decision relative to the alleged frisks and
searches is disputed.
(Board Review 26, 27) testified that once the officers stopped him, PO
Singh immediately began frisking and searching him by entering all of his pockets. No officer
asked him for his ID. After PO Singh frisked and searched \$87000 but before they
handcuffed him—PO Pinales and Lt. Imbert searched him again by entering his pockets.
The BWC videos of PO Singh, PO Pinales, and Lt. Imbert (Board Review 03-05) all
begin shortly before was handcuffed. Lt. Imbert's and PO Pinales' hands are not
visible at any point during the time period in which their searches allegedly occurred. The BWC
footage is therefore not dispositive as to whether PO Pinales and Lt. Imbert searched
or to the circumstances under which PO Singh frisked and searched him.
PO Singh (Board Review 28), PO Pinales (Board Review 29), and Lt. Imbert (Board
Review 30) all testified that, when they handcuffed \$87(2)(6) they were only doing so
because he had repeatedly refused to provide his ID. PO Singh testified that he decided to bring
to the stationhouse to issue him the jaywalking summons before he even
grabbed him. PO Singh denied seeing Lt. Imbert or PO Pinales searching \$87(2)(6)
Pinales did not remember if any officer did so. Lt. Imbert denied entering any of
pockets and did not remember if PO Pinales did so.
§ 87(2)(g)
Allegation C—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue
in the Bronx, Police Officer Francis Pinales threatened \$87(2)(6) with the use of
force.
(Board Review 26, 27, 31) recounted that, while PO Singh frisked him,
PO Pinales held a Taser at belt level and pointed the Taser at him.
PO Singh, PO Pinales, and Lt. Imbert (Board Review 28–30) all denied that PO Pinales
pointed a Taser at \$50,000 However, all three of them either did not know or did not
remember if PO Pinales was equipped with a Taser that night.
Lt. Imbert's BWC (Board Review 05), at 02:12, shows that PO Pinales was in fact
equipped with a Taser. As described above, however, all of the BWC footage only depicts a brief

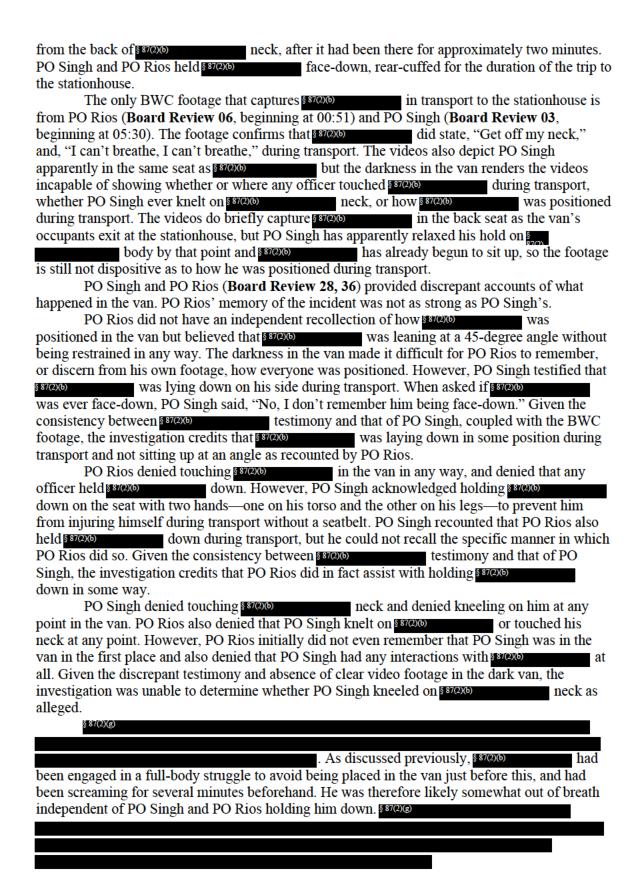
CCRB Case #201902317



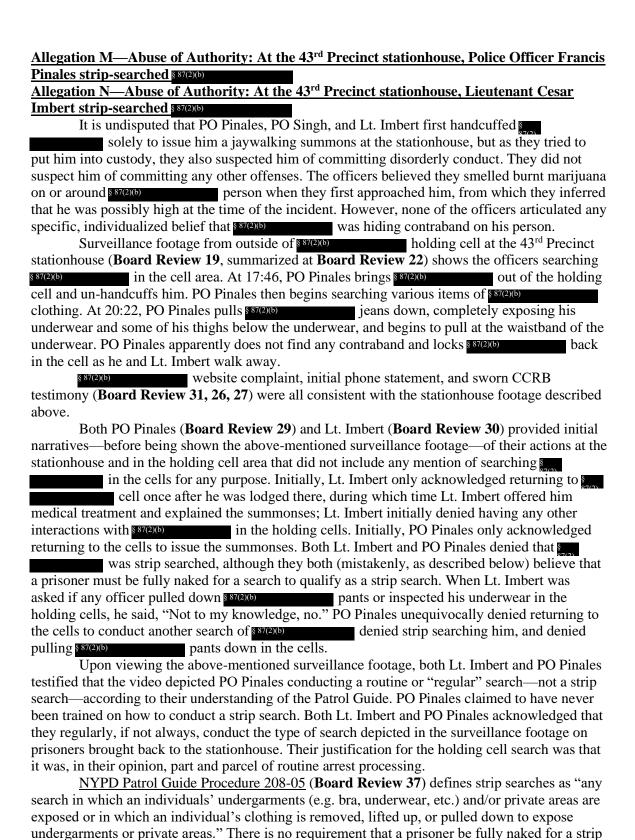
CCRB CTS – Confidential Page 4



CCRB CTS – Confidential



CCRB CTS – Confidential

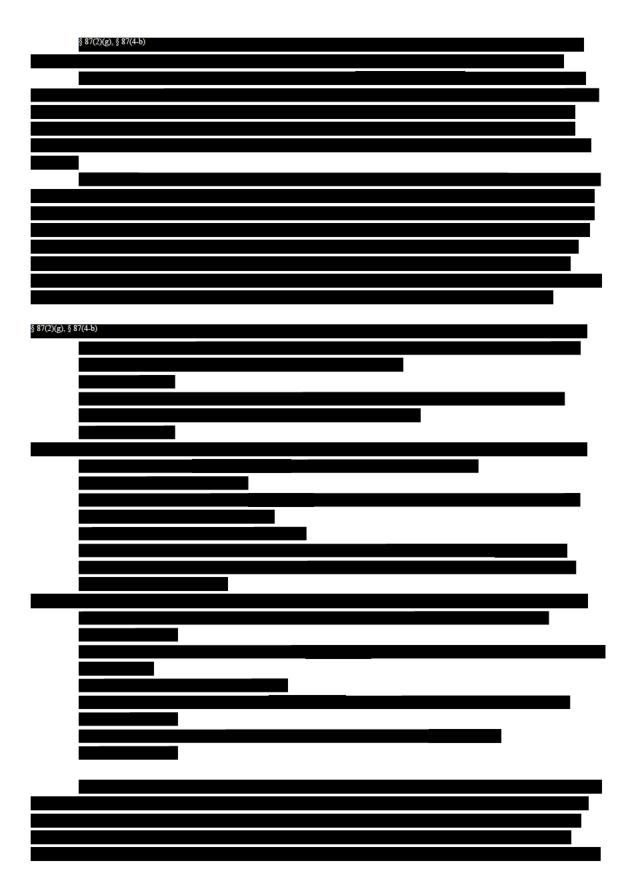


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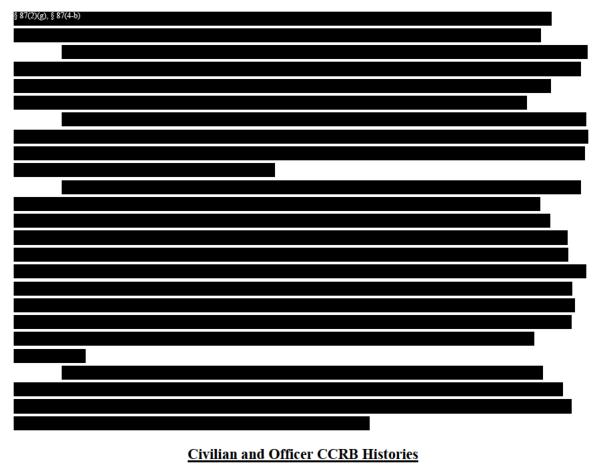
search to occur. Patrol Guide Procedure 208-05 further requires that a strip search "may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods," i.e. a "frisk/field search" and stationhouse non-strip search as part of standard arrest processing. The approving supervisor is ultimately "responsible for ensuring the [strip] search is conducted properly," and may only authorize such a search "when an arresting officer has articulated a reasonable suspicion that the individual is concealing evidence, contraband, or a weapon."

	§ 87(2)(g)
§ 87(2)(g), §	37(4-b)
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§ 87(2)(g), §	37(4-b)
§ 87(2)(g), §	87(4-b)

CCRB Case #201902317



Page 9



- This is the first and only CCRB complaint to which §87(2)(6) has been a party (**Board Review 41**).
- Lt. Imbert has been a member of service for 14 years and has been named a subject in four other CCRB complaints and 12 other allegations, none of which was substantiated.
- PO Pinales has been a member of service for 12 years and has been named a subject in one other CCRB complaint and four other allegations, none of which was substantiated.
- PO Singh has been a member of service for six years and has been named a subject in two other CCRB complaints and six other allegations, one of which was substantiated:
 - o CCRB case #201805295 involved a strong discourtesy allegation against PO Singh. The Board recommended Formalized Training. The NYPD took no disciplinary action.
 - O § 87(2)(g)
- PO Rios has been a member of service for seven years. This is the first and only CCRB complaint in which he has been named a subject.
- PO Moreira has been a member of service for seven years. This is the first and only CCRB
 complaint in which he has been named a subject.
- PO Lustica has been a member of service for 19 years and has been named a subject in nine other CCRB complaints and 20 other allegations, two of which were substantiated:
 - CCRB case #200406667 involved a substantiated physical force allegation and a substantiated frisk and/or search allegation against PO Lustica. The Board recommended Charges. The NYPD imposed Command Discipline—A.

O § 87(2)(g

CCRB Case #201902317

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- Through his attorney, [887(2)(6)] filed a Notice of Claim seeking \$900,000 in damages for emotional and physical injuries; false arrest; malicious prosecution; negligent training, supervision, hiring and retention; unlawful search and seizure; loss of liberty; loss of civil rights and constitutional rights pursuant to 42 U.S.C. Section 1983; emotional distress; assault; battery; and malicious abuse of process (Board Review 42).

[§ 87(2)(b)] [§§ 86(1)(3)&(4	[] [§ 8/(2)(e)]		
Squad No.:	<u>#05</u>		
Investigator:	Conor Seamus O'Shea Signature	Investigator Conor O'Shea Print Title & Name	<u>April 7, 2020</u> Date
Squad Leader:	<u>Daniel Giansante</u> Signature	IM Daniel Giansante Print Title & Name	<u>April 15, 2020</u> Date
Reviewer:	Signature	Print Title & Name	Date